

Summary Explanation of HR 11732

A Bill to Amend section 305 of the Communications Act
of 1934, as Amended

Existing Law

Section 301 of the Communications Act of 1934 now provides: "No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio" in the United States, "except with a license in that behalf granted under the provisions of this Act".

Section 303 authorizes the Federal Communications Commission to "fix the form of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified".

Section 305 provides that "Radio stations belonging to and operated by the United States shall not be subject to the provisions of section 301 and 303 of this Act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President".

Section 310 specifies that such licenses "shall not be granted to or held by (1) any alien or the representative of any alien; (2) any foreign government or the representative thereof".

Proposed Amendment

"305 (d) The provisions of section 301 and 303 of this Act notwithstanding, the President may authorize a foreign government, under such terms and conditions as he may prescribe, to construct and operate at the seat of government of the United States a low-power radio station in the fixed service at or near the site of the embassy or legation of such foreign government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations as the President may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation, or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."

Purpose of Amendment

H.R.11732 would amend section 305 of the Communications Act to permit the President to authorize a foreign government to operate a radio transmitter at or near its mission in Washington when that government has provided reciprocal privileges to the United States to operate a station within its territory.

By amending Section 305 of the Act, the licensing requirements of Section 301, the powers of the Federal Communications Commission set forth in Section 303, and the limitations on aliens and foreign governments prescribed in Section 310, would be preserved except in regard to transmitters authorized by the President under reciprocal agreements and operating on frequencies assigned by him.

Concurrences

The following Agencies have concurred in or expressed no objection to the proposed amendment: Executive Office of the President (Bureau of the Budget, Office of Emergency Planning); Department of Defense, Department of Justice and Federal Communications Commission.

Discussion

Rapid, secure and dependable communication with our posts abroad is essential to the conduct of international civilian and military activities. The pace of international negotiations, frequency of diplomatic and military crises, and our need to obtain multilateral solutions to foreign policy problems make this need of great urgency.

In most countries we are dependent upon locally owned and operated telegraph facilities. Such communications facilities often are unreliable and unsatisfactory because of poor quality of equipment, local operating practices and limited hours of operation. In time of crisis, when need for rapid and

reliable communication

reliable communication is most acute, the commercial channels often are interrupted or denied to us. Internal uprisings, disruption of international relationships or whims of local governments (often Communist dominated) which control most telegraph facilities abroad, can cause loss of communication with our field posts at any time.

Radio stations under our control, operated in our embassies by American personnel, offer the most feasible solution to this problem. Sections 301 and 310 of the Federal Communications Act prevent foreign missions in Washington from operating radio transmitters. It is the general practice of other governments to deny us the privilege of operating radio transmitters in their countries unless we are prepared to enter into reciprocal agreements offering them similar privileges in Washington. This is true even though it is unlikely that many foreign governments would take advantage of such privilege. Enactment of this bill would improve materially our ability to establish an American operated worldwide communications system needed to keep pace with present day international activities.

Adverse Factors

There are three principal factors which have been suggested in the past as militating against granting reciprocal radio transmitting privileges to representatives of foreign governments in the United States. They are:

1. Facilitation of transmission of intelligence from the United States by foreign governments. The use of diplomatic radio facilities is interpreted merely as a modern extension of the time-honored privileges of the diplomatic pouch. The diplomatic pouch enjoys complete immunity from inspection and, with present international air schedules, offers a very rapid channel for transmission of unlimited quantities of intelligence material. Foreign missions in Washington have open

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access to U. S. telegraph services and can lease international radio or cable channels, thus gaining all the advantages of having their own radio facilities. Objection to the proposed legislation formerly advanced by the Department of Justice on security grounds has been withdrawn, and the Attorney General has stated that the Justice Department has no objection to the proposed amendment.

2. Potential loss of revenue to American carriers. It does not appear that American carriers would suffer significant loss of revenue. The amount of business diverted from American carriers would be small as limitations on power, operating hours and frequencies of foreign government operated transmitters would not permit diversion of a large volume of traffic. The proposal has been discussed with the three principal American carriers (Radio Corporation of America, American Cable and Radio, and Western Union) and none of them has expressed great concern over the amount of revenue they might lose.
3. Frequency and interference problems for other radio services in the United States. The Director of Telecommunications Policy and the Federal Communications Commission will assign frequencies and insure that there will be no serious interference with other licensed operation. The low power, low volume and intermittent transmissions permitted materially reduce frequency and interference problems. This is confirmed by the fact that similar networks are operated extensively throughout the rest of the world without serious complications.

Summary

The possible disadvantages of operation of radio transmitters in Washington by selected foreign governments are far outweighed by the advantages to the United States which would accrue from our operation of radio transmitters

in foreign countries. It is in the national interest to amend the Communications Act to permit granting of reciprocal privileges to select foreign countries in order that we may make use of modern on-line automatic encryption devices throughout the world in support of diplomatic negotiations, coordination with our allies in the event of war, and improvement of our ability to act promptly in crisis situations such as those concerning the Suez, Cuba and Laos.